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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2009-200

12 **MONIQUE HOCHSTAFL**
13 **a.k.a. MONIQUE PRIDEAUX**
14 **1015 Canal Street**
Oxnard, CA 93035

SECOND AMENDED ACCUSATION

15 **Registered Nurse License No. 570965**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Second Amended Accusation
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about August 25, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 570965 to Monique Hochstafl, also known as Monique Prideaux
25 (Respondent). Respondent's Registered Nurse License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

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JURISDICTION

3. Business and Professions Code (Code) section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

....

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

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1 7. Code section 4060 states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to
3 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
5 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
6 nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
7 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
8 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
9 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
10 shall not apply to the possession of any controlled substance by a manufacturer,
11 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
12 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
13 physician assistant, when in stock in containers correctly labeled with the name and
14 address of the supplier or producer . . .

15 8. Health and Safety Code section 11170 states:

16 No person shall prescribe, administer, or furnish a controlled substance
17 for himself.

18 9. Health and Safety. Code section 11173, states, in pertinent part:

19 (a) No person shall obtain or attempt to obtain controlled substances, or
20 procure or attempt to procure the administration of or prescription for controlled
21 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
22 concealment of a material fact.

23 (b) No. person shall make a false statement in any prescription, order,
24 report, or record, required by this division.

25 . . .

26 COST RECOVERY

27 10. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

11. "Clonazepam" is a Schedule IV controlled substance as designated by Health and
Safety Code section 11057, subdivision (d)(7).

12. "Dilaudid" is a Schedule II controlled substance as designated by Health and Safety
Code section 11055, subdivision (b)(1)(K).

1 13. **"Hydromorphone"** is a Schedule II controlled substance as designated by Health
2 and Safety Code section 11055, subdivision (b)(1)(K).

3 14. **"Lortab"** a combination drug containing hydrocodone bitartrate and acetaminophen,
4 is a Schedule III controlled substance as designated by Health and Safety Code section 11056,
5 subdivision (e)(4).

6 15. **"Morphine"** is a Schedule II controlled substance as designated by Health and Safety
7 Code section 11055, subdivision (b)(1)(M).

8 16. **"Norco"** is a combination drug containing hydrocodone bitartrate and acetaminophen
9 and is a Schedule III controlled substance as designated by Health and Safety Code section
10 11056, subdivision (e)(4).

11 17. **"Oxycodone"** is a Schedule II controlled substance as designated by Health and
12 Safety Code section 11055, subdivision (b)(1)(N), and a dangerous drug pursuant to Code section
13 4022.

14 18. **"Percocet"** a brand of oxycodone, is a Schedule II controlled substance as designated
15 by Health and Safety Code section 11055, subdivision (b)(1)(N).

16 19. **"Vicodin"** is a compound consisting of 5 mg. hydrocodone bitartrate also known as
17 dihydrocodinone, a Schedule III controlled substance as designated by Health and Safety Code
18 section 11056, subdivision (e)(4), and 500 mg. acetaminophen per tablet.

19 20. **"Zolpidem"** is a controlled substance as defined in Health and Safety Code section
20 11057, subdivision (d).

21 **SHARP MEMORIAL HOSPITAL**

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Diversion and Possession of Controlled Substances)**

24 21. Respondent is subject to disciplinary action pursuant to Code section 2761,
25 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
26 subdivision (a), in that on or about and between January 1, 2006, and February 28, 2006, while on
27 duty as a registered nurse in the Emergency Department ("ED") at Sharp Memorial Hospital
28 ("SMH"), San Diego, California, Respondent did the following:

Diversion of Controlled Substances:

a. Respondent obtained the controlled substances Clonazepam, Hydromorphone, Lortab, Morphine, Norco, Oxycodone, Percocet, Vicodin, and Zolpidem by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173, subdivision (a), as follows: On or about and between January 1, 2006, and February 28, 2006, Respondent removed varying quantities of Clonazepam, Hydromorphone, Lortab, Morphine, Norco, Oxycodone, Percocet, Vicodin, and Zolpidem under the names of multiple patients from the Pyxis (a computerized medication system) when the quantities of the medications removed were in excess of the doses ordered by the patients' physicians or Respondent was not assigned to care for the patients. Further, Respondent failed to chart the administration or wastage or otherwise account for the disposition of the Clonazepam, Hydromorphone, Lortab, Morphine, Norco, Oxycodone, Percocet, Vicodin, and Zolpidem in the Medication Administration Record ("MAR") or Nurse's Notes/Flowsheet ("NNF") to conceal her diversion of the medications, as more particularly set forth in paragraph 21 below.

Possession of Controlled Substances:

b. On the dates indicated above, Respondent possessed unknown quantities of the controlled substances Clonazepam, Hydromorphone, Lortab, Morphine, Norco, Oxycodone, Percocet, Vicodin, and Zolpidem without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

SECOND CAUSE FOR DISCIPLINE

(False Entries in Hospital/Patient Records)

22. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that on or about and between January 1, 2006, and February 28, 2006, while on duty as a registered nurse in the ED at SMH, San Diego, California, Respondent falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the controlled substances Clonazepam, Hydromorphone, Lortab, Morphine, Norco, Oxycodone, Percocet, Vicodin, and Zolpidem, as follows:

1 a. On January 1, 2006, at 0025 hours, Respondent withdrew two tablets of Vicodin from
2 the Pyxis under patient J1's name. Respondent then removed two additional tablets each time at
3 0508 and 0557 hours. Respondent charted the administration of two Vicodin tablets at 0500, but
4 failed to chart the administration or wastage of the remaining four tablets in the patient's MAR or
5 NNF or otherwise account for the disposition of the medication.

6 b. On January 13, 2006, at 1944 hours and January 14, 2006, at 0404 hours, Respondent
7 withdrew two tablets of Percocet each time from the Pyxis under patient J2's name. Respondent
8 failed to chart the administration or wastage of the four Percocet tablets in the patient's MAR or
9 NNF or otherwise account for the disposition of the medication.

10 c. On January 29, 2006, at 0013 hours, Respondent withdrew two tablets of Vicodin
11 from the Pyxis under patient J3's name. Respondent then removed two additional tablets at 0317
12 hours. Respondent charted the administration of two Vicodin tablets at 0300, but failed to chart
13 the administration or wastage of the remaining two tablets in the patient's MAR or NNF or
14 otherwise account for the disposition of the medication.

15 d. On January 27, 2006, at 2335 hours, Respondent withdrew two tablets of Oxycodone
16 from the Pyxis under patient J5's name. Respondent then removed two additional tablets each
17 time at 2340 hours on January 27, 2006, and 0209 and 0404 hours on January 28, 2006.
18 Respondent charted the administration of two Oxycodone tablets each time at 0000 and 0400
19 hours on January 28, 2006, but failed to chart the administration or wastage of the remaining four
20 tablets in the patient's MAR or NNF or otherwise account for the disposition of the medication.

21 e. On January 14, 2006, at 0323 hours, Respondent withdrew two tablets of Percocet
22 from the Pyxis under patient J6's name. Respondent failed to chart the administration or wastage
23 of the two Percocet tablets in the patient's MAR or NNF or otherwise account for the disposition
24 of the medication.

25 f. On January 26, 2006, at 1926 hours, Respondent withdrew two tablets of Percocet
26 from the Pyxis under patient J7's name. Respondent then removed two additional tablets each
27 time at 2031 and 2046 hours on January 26, 2006; 2029 hours on January 27, 2006; and 0209,
28 2003, and 2023 hours on January 28, 2006. Respondent charted the administration of two

1 Percocet tablets each time at 2100 hours on January 26, 2006, January 27, 2006, and January 28,
2 2006, but failed to chart the administration or wastage of the remaining eight tablets in the
3 patient's MAR or NNF or otherwise account for the disposition of the medication.

4 g. On January 30, 2006, at 2105 hours, Respondent withdrew two tablets of Percocet
5 from the Pyxis under patient J9's name. Respondent then removed two additional tablets at 2107
6 hours. Respondent charted the administration of two Percocet tablets at 2100 hours, but failed to
7 chart the administration or wastage of the remaining two tablets in the patient's MAR or NNF or
8 otherwise account for the disposition of the medication.

9 h. On January 10, 2006, at 0240 hours, Respondent withdrew two tablets of Vicodin
10 from the Pyxis under patient J11's name. Respondent then removed two additional tablets at 2204
11 hours. Respondent charted the administration of two Vicodin tablets at 0300 hours, but failed to
12 chart the administration or wastage of the remaining two tablets in the patient's MAR or NNF or
13 otherwise account for the disposition of the medication.

14 i. On January 23, 2006, at 2325 hours, Respondent withdrew two tablets of Percocet
15 from the Pyxis under patient J15's name. Respondent then removed an additional tablet of
16 Percocet each time at 2332 and 2333 hours. Respondent failed to chart the administration or
17 wastage of the four Percocet tablets in the patient's MAR or NNF or otherwise account for the
18 disposition of the medication.

19 j. On January 26, 2006, at 2014 hours, Respondent withdrew two tablets of Vicodin
20 from the Pyxis under patient J16's name. Respondent then removed two additional tablets each
21 time at 2025 hours on January 26, 2006, and 2310 hours on January 27, 2006. Respondent
22 charted the administration of one tablet of Vicodin each time at 2100 hours on January 26, 2006,
23 and 2300 hours on January 27, 2006, but failed to chart the administration or wastage of the four
24 remaining tablets in the patient's MAR or NNF or otherwise account for the disposition of the
25 medication.

26 k. On January 30, 2006, at 2331 hours, Respondent withdrew one tablet of Zolpidem
27 from the Pyxis under patient J18's name. Respondent failed to chart the administration or
28

1 wastage of the Zolpidem tablet in the patient's MAR or NNF or otherwise account for the
2 disposition of the medication.

3 l. On January 13, 2006, at 1955 hours, Respondent withdrew two tablets of Percocet
4 from the Pyxis under patient J21's name. Respondent then removed two additional tablets each
5 time at 2350 and 2352 hours on January 13, 2006, and 0412 and 0416 hours on January 14, 2006.
6 Respondent charted the administration of two tablets of Percocet each time at 0000 and 0400
7 hours on January 14, 2006, but failed to chart the administration or wastage of the six remaining
8 tablets in the patient's MAR or NNF or otherwise account for the disposition of the medication.

9 m. On January 23, 2006, at 2149 hours, Respondent withdrew two tablets of Vicodin
10 from the Pyxis under patient J22's name. Respondent then removed two additional tablets at 2205
11 hours. Respondent charted the administration of two Vicodin tablets at 2100 hours, but failed to
12 chart the administration or wastage of the remaining two tablets in the patient's MAR or NNF or
13 otherwise account for the disposition of the medication.

14 n. On January 9, 2006, at 2046 hours, Respondent withdrew two tablets of Percocet
15 from the Pyxis under patient J23's name. Respondent then removed two additional tablets each
16 time at 2048 and 2348 hours on January 9, 2006; 0300, 0545, 0606, 2023, and 2358 hours on
17 January 10, 2006; and 0200, 0503, and 0507 hours on January 11, 2006. Respondent charted the
18 administration of two Percocet tablets each time at 2045 hours on January 9, 2006; 0000, 0600,
19 and 2100 hours on January 10, 2006; and 0000 and 0500 hours on January 11, 2006, but failed to
20 chart the administration or wastage of the remaining ten tablets in the patient's MAR or NNF or
21 otherwise account for the disposition of the medication.

22 o. On January 18, 2006, at 2123 hours, Respondent withdrew two tablets of Percocet
23 from the Pyxis under patient J23's name. Respondent then removed two additional tablets each
24 time at 2150 hours on January 18, 2006, and 0047, 0325, 0640, 2015, 2309, and 2312 hours on
25 January 19, 2006. Respondent charted the administration of two Percocet tablets each time at
26 2100 hours on January 18, 2006; 0300, 0645, and 2100 hours on January 19, 2006; and 0230
27 hours on January 20, 2006, but failed to chart the administration or wastage of the remaining six
28 tablets in the patient's MAR or NNF or otherwise account for the disposition of the medication.

1 p. On January 19, 2006, at 0450 hours, Respondent withdrew five milliliters of
2 Oxycodone IR Solution from the Pyxis under patient J26's name. Respondent then removed an
3 additional five milliliters each time at 0625 and 2344 hours on January 19, 2006. Respondent
4 charted the administration of five milliliters of Oxycodone IR Solution at 0630 hours on January
5 19, 2006, but failed to chart the administration or wastage of the remaining ten milliliters in the
6 patient's MAR or NNF or otherwise account for the disposition of the medication.

7 q. On January 31, 2006, at 0437 hours, Respondent withdrew two tablets of Lortab from
8 the Pyxis under patient J28's name. Respondent failed to chart the administration or wastage of
9 the two Lortab tablets in the patient's MAR or NNF or otherwise account for the disposition of
10 the medication.

11 r. On January 28, 2006, at 2128 hours, Respondent withdrew two tablets of Percocet
12 from the Pyxis under patient J29's name. Respondent then removed two additional tablets at 2146
13 hours. Respondent charted the administration of two tablets of Percocet at 2200 hours, but failed
14 to chart the administration or wastage of the remaining two tablets in the patient's MAR or NNF
15 or otherwise account for the disposition of the medication.

16 s. On January 30, 2006, at 2017 hours, Respondent withdrew two tablets of Vicodin
17 from the Pyxis under patient J30's name. Respondent then removed two additional tablets each
18 time at 2038 hours on January 30, 2006, and 0056 and 0459 hours on January 31, 2006.
19 Respondent charted the administration of two tablets each time at 2000 hours on January 30,
20 2006, and 0500 hours on January 31, 2006, but failed to chart the administration or wastage of the
21 remaining six tablets in the patient's MAR or NNF or otherwise account for the disposition of the
22 medication.

23 t. On January 4, 2006, at 2115 hours, Respondent withdrew two tablets of Percocet
24 from the Pyxis under patient J31's name. Respondent then removed two additional tablets each
25 time at 2231 hours on January 4, 2006, and 0252 and 2116 hours on January 5, 2006. Respondent
26 charted the administration of two tablets each time at 2230 hours on January 4, 2006, and 0300
27 hours on January 5, 2006, but failed to chart the administration or wastage of the remaining four
28 tablets in the patient's MAR or NNF or otherwise account for the disposition of the medication.

1 u. On January 2, 2006, at 2037 hours, Respondent withdrew two tablets of Vicodin from
2 the Pyxis under patient J32's name. Respondent then removed two additional tablets each time at
3 0210, 0413, and 0421 hours on January 3, 2006. Respondent charted the administration of one
4 tablet of Vicodin at 2100 hours on January 2, 2006, and two tablets at 0420 hours on January 3,
5 2006, but failed to chart the administration or wastage of the remaining five tablets in the
6 patient's MAR or NNF or otherwise

7 v. On February 14, 2006, at 0641 hours, Respondent withdrew three tablets of Morphine
8 SR30 from the Pyxis under patient F1's name. Respondent failed to chart the administration or
9 wastage of the three tablets of Morphine SR30 in the patient's MAR or NNF or otherwise account
10 for the disposition of the medication. Further, the patient was located on the seventh floor of
11 SMH and Respondent was assigned to, and removed the medication from, the sixth floor.

12 w. On February 17, 2006, at 0538 hours, Respondent withdrew two tablets of Vicodin
13 from the Pyxis under patient F2's name. Respondent failed to chart the administration or wastage
14 of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
15 disposition of the medication.

16 x. On February 25, 2006, at 2217 hours, Respondent withdrew two tablets of Percocet
17 from the Pyxis under patient F3's name. Respondent failed to chart the administration or wastage
18 of the two tablets of Percocet in the patient's MAR or NNF or otherwise account for the
19 disposition of the medication.

20 y. On February 1, 2006, at 2014 hours, Respondent withdrew two tablets of Percocet
21 from the Pyxis under patient F7's name. Respondent then removed two additional tablets each
22 time at 2030 and 2319 hours on February 1, 2006, and one additional tablet each time at 0413 and
23 0659 hours on February 2, 2006. Respondent charted the administration of one tablet at 2000
24 hours on February 1, 2006, but failed to chart the administration or wastage of the remaining
25 seven tablets in the patient's MAR or NNF or otherwise account for the disposition of the
26 medication.

27 z. On February 28, 2006, at 0618 hours, Respondent withdrew two tablets of Percocet
28 from the Pyxis under patient F8's name. Respondent then removed two additional tablets at 0623

1 hours. Respondent failed to chart the administration or wastage of the four tablets of Percocet in
2 the patient's MAR or NNF or otherwise account for the disposition of the medication.

3 aa. On February 26, 2006, at 0524 hours, Respondent withdrew two tablets of Norco
4 from the Pyxis under patient F9's name. Respondent failed to chart the administration or wastage
5 of the two tablets of Percocet in the patient's MAR or NNF or otherwise account for the
6 disposition of the medication.

7 bb. On February 28, 2006, at 0141 hours, Respondent withdrew two tablets of Vicodin
8 from the Pyxis under patient F11's name. Respondent failed to chart the administration or
9 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
10 disposition of the medication.

11 cc. On February 5, 2006, at 2111 hours, Respondent withdrew two tablets of Vicodin
12 from the Pyxis under patient F13's name. Respondent then removed two additional tablets each
13 time at 2119 hours on February 5, 2006, and 0009, 0016, 0435, and 0537 hours on February 6,
14 2006. Respondent charted the administration of two tablets each time at 2120 hours on February
15 5, 2006, and 0500 hours on February 6, 2006, but failed to chart the administration or wastage of
16 the remaining eight tablets in the patient's MAR or NNF or otherwise account for the disposition
17 of the medication.

18 dd. On February 13, 2006, at 2042 hours, Respondent withdrew two tablets of Percocet
19 from the Pyxis under patient F14's name. Respondent then removed two additional tablets each
20 time at 2338 and 2343 hours on February 13, 2006, and 0414 and 0419 hours on February 14,
21 2006. Respondent charted the administration of two tablets each time at 2000 hours on February
22 13, 2006, and 0400 hours on February 14, 2006, but failed to chart the administration or wastage
23 of the remaining six tablets in the patient's MAR or NNF or otherwise account for the disposition
24 of the medication.

25 ee. On February 14, 2006, at 0613 hours, Respondent withdrew four tablets of
26 Oxycodone from the Pyxis under patient F16's name. Respondent then removed four additional
27 tablets each time at 0615 hours on February 14, 2006; 1949, 2101, and 2110 hours on February
28 15, 2006; 0432 and 2127 hours on February 16, 2006; and 0049, 0053, and 0647 hours on

1 February 17, 2006. Respondent charted the administration of four tablets each time at 2100 hours
2 on February 15, 2006, and 0100 hours on February 17, 2006, but failed to chart the administration
3 or wastage of the remaining thirty-two tablets in the patient's MAR or NNF or otherwise account
4 for the disposition of the medication.

5 ff. On February 16, 2006, at 0432 hours, Respondent withdrew one tablet of
6 Hydromorphone from the Pyxis under patient F16's name. Respondent then removed one
7 additional tablet each time at 2127 hours on February 16, 2006, and 0647:03 and 0647:56 hours
8 on February 17, 2006. Respondent failed to chart the administration or wastage of the four tablets
9 of Hydromorphone in the patient's MAR or NNF or otherwise account for the disposition of the
10 medication.

11 gg. On February 16, 2006, at 2126 hours, Respondent withdrew two tablets of
12 Clonazepam from the Pyxis under patient F16's name. Respondent failed to chart the
13 administration or wastage of the two tablets of Clonazepam in the patient's MAR or NNF or
14 otherwise account for the disposition of the medication.

15 hh. On February 21, 2006, at 1954 hours, Respondent withdrew two tablets of Percocet
16 from the Pyxis under patient F17's name. Respondent then removed two additional tablets each
17 time at 2010 and 2353 hours on February 21, 2006, and 0335 and 0436 hours on February 22,
18 2006. Respondent charted the administration of two tablets of Percocet each time at 2030 hours
19 on February 21, 2006, and 0400 hours on February 22, 2006, but failed to chart the administration
20 or wastage of the remaining six tablets in the patient's MAR or NNF or otherwise account for the
21 disposition of the medication.

22 ii. On February 6, 2006, at 0010 hours, Respondent withdrew two tablets of Vicodin
23 from the Pyxis under patient F18's name. Respondent then removed two additional tablets each
24 time at 0016 and 0612 hours. Respondent charted the administration of two tablets of Vicodin
25 each time at 0030 and 0615 hours, but failed to chart the administration or wastage of the
26 remaining two tablets in the patient's MAR or NNF or otherwise account for the disposition of
27 the medication.

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1 jj. On February 20, 2006, at 2353 hours, Respondent withdrew two tablets of Norco
2 from the Pyxis under patient F19's name. Respondent failed to chart the administration or
3 wastage of the two tablets of Norco in the patient's MAR or NNF or otherwise account for the
4 disposition of the medication.

5 kk. On February 10, 2006, at 0106 hours, Respondent withdrew two tablets of Vicodin
6 from the Pyxis under patient F20's name. Respondent then removed two additional tablets at
7 0519 hours. Respondent charted the administration of two tablets of Vicodin at 0115 hours, but
8 failed to chart the administration or wastage of the remaining two tablets in the patient's MAR or
9 NNF or otherwise account for the disposition of the medication.

10 ll. On February 25, 2006, at 1940 hours, Respondent withdrew two tablets of Lortab
11 from the Pyxis under patient F21's name. Respondent failed to chart the administration or
12 wastage of the two tablets of Lortab in the patient's MAR or NNF or otherwise account for the
13 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
14 and Respondent was assigned to, and removed the medication from, the sixth floor.

15 mm. On February 28, 2006, at 0535:36 hours, Respondent withdrew two tablets of
16 Percocet from the Pyxis under patient F22's name. Respondent then removed two additional
17 tablets at 0535:52 hours. Respondent failed to chart the administration or wastage of the four
18 tablets of Percocet in the patient's MAR or NNF or otherwise account for the disposition of the
19 medication. Further, the patient was located on the seventh floor of the hospital and Respondent
20 was assigned to, and removed the medication from, the sixth floor.

21 nn. On February 21, 2006, at 1955 hours, Respondent withdrew two tablets of Percocet
22 from the Pyxis under patient F23's name. Respondent failed to chart the administration or
23 wastage of the two tablets of Percocet in the patient's MAR or NNF or otherwise account for the
24 disposition of the medication.

25 oo. On February 22, 2006, at 0334 hours, Respondent withdrew two tablets of Vicodin
26 from the Pyxis under patient F23's name. Respondent failed to chart the administration or
27 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
28 disposition of the medication.

1 pp. On February 1, 2006, at 2100 hours, Respondent withdrew two tablets of Percocet
2 from the Pyxis under patient F24's name. Respondent then withdrew two additional tablets each
3 time at 2108 hours on February 1, 2006, and 0057 and 0422 hours on February 2, 2006.
4 Respondent charted the administration of two tablets of Percocet each time at 2100 hours on
5 February 1, 2006, and 0430 hours on February 2, 2006, but failed to chart the administration or
6 wastage of the remaining four tablets in the patient's MAR or NNF or otherwise account for the
7 disposition of the medication.

8 qq. On February 21, 2006, at 0215 hours, Respondent withdrew two tablets of Vicodin
9 from the Pyxis under patient F25's name. Respondent failed to chart the administration or
10 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
11 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
12 and Respondent was assigned to, and removed the medication from, the sixth floor.

13 rr. On February 20, 2006, at 2050 hours, Respondent withdrew two tablets of Percocet
14 from the Pyxis under patient F26's name. Respondent failed to chart the administration or
15 wastage of the two tablets of Percocet in the patient's MAR or NNF or otherwise account for the
16 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
17 and Respondent was assigned to, and removed the medication from, the sixth floor.

18 ss. On February 14, 2006, at 0055 hours, Respondent withdrew two tablets of Vicodin
19 from the Pyxis under patient F29's name. Respondent failed to chart the administration or
20 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
21 disposition of the medication.

22 tt. On February 6, 2006, at 0157 hours, Respondent withdrew two tablets of Percocet
23 from the Pyxis under patient F30's name. Respondent then withdrew two additional tablets at
24 0200 hours. Respondent charted the administration of two tablets of Percocet at 0200 hours, but
25 failed to chart the administration or wastage of the remaining two tablets in the patient's MAR or
26 NNF or otherwise account for the disposition of the medication.

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1 uu. On February 17, 2006, at 0535 hours, Respondent withdrew one tablet of Vicodin
2 from the Pyxis under patient F31's name. Respondent then removed two additional tablets at
3 0537 hours. Respondent failed to chart the administration or wastage of the three tablets of
4 Vicodin in the patient's MAR or NNF or otherwise account for the disposition of the medication.

5 vv. On February 24, 2006, at 2009 hours, Respondent withdrew two tablets of Vicodin
6 from the Pyxis under patient F32's name. Respondent failed to chart the administration or
7 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
8 disposition of the medication.

9 ww. On February 11, 2006, at 2041 hours, Respondent withdrew two tablets of Percocet
10 from the Pyxis under patient F33's name. Respondent then removed two additional tablets each
11 time at 2354 hours on February 11, 2006, and 0456 and 0500 hours on February 12, 2006.
12 Respondent charted the administration of two tablets of Percocet each time at 2030 hours on
13 February 11, 2006, and 0500 hours on February 12, 2006, but failed to chart the administration or
14 wastage of the remaining four tablets in the patient's MAR or NNF or otherwise account for the
15 disposition of the medication.

16 xx. On February 24, 2006, at 2111 hours, Respondent withdrew two tablets of Lortab
17 from the Pyxis under patient F34's name. Respondent failed to chart the administration or
18 wastage of the two tablets of Lortab in the patient's MAR or NNF or otherwise account for the
19 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
20 and Respondent was assigned to, and removed the medication from, the sixth floor.

21 yy. On February 7, 2006, at 2121 hours, Respondent withdrew two tablets of Vicodin
22 from the Pyxis under patient F35's name. Respondent failed to chart the administration or
23 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
24 disposition of the medication.

25 zz. On February 20, 2006, at 2205 hours, Respondent withdrew one 30 mg tablet of
26 Morphine from the Pyxis under patient F37's name. Respondent failed to chart the administration
27 or wastage of the Morphine tablet of in the patient's MAR or NNF or otherwise account for the
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1 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
2 and Respondent was assigned to, and removed the medication from, the sixth floor.

3 aaa. On February 22, 2006, at 0503 hours, Respondent withdrew three 15 mg tablets of
4 Morphine from the Pyxis under patient F37's name. Respondent failed to chart the administration
5 or wastage of the three tablets of Morphine in the patient's MAR or NNF or otherwise account for
6 the disposition of the medication. Further, the patient was located on the seventh floor of the
7 hospital and Respondent was assigned to, and removed the medication from, the sixth floor.

8 bbb. On February 24, 2006, at 2109 hours, Respondent withdrew three 15 mg tablets of
9 Morphine from the Pyxis under patient F37's name. Respondent then removed three additional
10 tablets at 2132 hours. Respondent failed to chart the administration or wastage of the three tablets
11 of Morphine in the patient's MAR or NNF or otherwise account for the disposition of the
12 medication. Further, the patient was located on the seventh floor of the hospital and Respondent
13 was assigned to, and removed the medication from, the sixth floor.

14 ccc. On February 27, 2006, at 2218 hours, Respondent withdrew one 60 mg tablet of
15 Morphine from the Pyxis under patient F37's name. Respondent failed to chart the administration
16 or wastage of the Morphine tablet in the patient's MAR or NNF or otherwise account for the
17 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
18 and Respondent was assigned to, and removed the medication from, the sixth floor.

19 ddd. On February 8, 2006, at 0012 hours, Respondent withdrew 15 mg of Oxycodone from
20 the Pyxis under patient F38's name. Respondent then removed an additional 15 mg each time at
21 0104 and 0616 hours. Respondent charted the administration of 15 mg of Oxycodone at 0015
22 hours, but failed to chart the administration or wastage of the remaining 30 mg in the patient's
23 MAR or NNF or otherwise account for the disposition of the medication.

24 eee. On February 24, 2006, at 2112 hours, Respondent withdrew two tablets of Lortab
25 from the Pyxis under patient F39's name. Respondent failed to chart the administration or
26 wastage of the two tablets of Lortab in the patient's MAR or NNF or otherwise account for the
27 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
28 and Respondent was assigned to, and removed the medication from, the sixth floor.

1 fff. On February 21, 2006, at 0158 hours, Respondent withdrew two tablets of Percocet
2 from the Pyxis under patient F40's name. Respondent then removed two additional tablets each
3 time at 0232 and 0531 hours. Respondent charted the administration of two tablets of Percocet
4 each time at 0200 and 0600 hours, but failed to chart the administration or wastage of the
5 remaining two tablets in the patient's MAR or NNF or otherwise account for the disposition of
6 the medication.

7 ggg. On February 28, 2006, at 0611 hours, Respondent withdrew two tablets of Vicodin
8 from the Pyxis under patient F41's name. Respondent then removed two additional tablets at
9 0613 hours. Respondent charted the administration of two tablets at 0600 hours, but failed to
10 chart the administration or wastage of the remaining two tablets in the patient's MAR or NNF or
11 otherwise account for the disposition of the medication.

12 hhh. On February 21, 2006, at 2354 hours, Respondent withdrew two tablets of Vicodin
13 from the Pyxis under patient F42's name. Respondent failed to chart the administration or
14 wastage of the two tablets of Vicodin in the patient's MAR or NNF or otherwise account for the
15 disposition of the medication. Further, the patient was located on the seventh floor of the hospital
16 and Respondent was assigned to, and removed the medication from, the sixth floor.

17 **ST. JOHN'S REGIONAL MEDICAL CENTER**

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Diversion and Possession of Controlled Substances)**

20 23. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
22 subdivision (a), in that on or about and between March 18, 2007 and March 22, 2007, while on
23 duty as a registered nurse at St. John's Regional Medical Center ("SJPMC"), Oxnard, California,
24 Respondent did the following:

25 **Diversion of Controlled Substances:**

26 a. Respondent obtained the controlled substances Dilaudid, Percocet, and Vicodin by
27 fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code section
28 11173, subdivision (a), as follows: On or about and between March 18, 2007 and March 22,

1 2007, Respondent removed varying quantities of Dilaudid, Percocet, and Vicodin under the
2 names of multiple patients from the Pyxis (a computerized medication system) when the
3 quantities of the medications removed were withdrawn for patients with no orders, withdrawals
4 for patients who were not admitted at that time, frequent withdrawals and wastes of medications.
5 Further, Respondent failed to chart the administration or wastage or otherwise account for the
6 disposition of the Dilaudid, Percocet, and Vicodin in the Medication Administration Record
7 ("MAR") or Nurse's Notes/Flowsheet ("NNF") to conceal her diversion of the medications, as
8 more particularly set forth in paragraph 24 below.

9 **Possession of Controlled Substances:**

10 b. On the dates indicated above, Respondent possessed unknown quantities of the
11 controlled substances Dilaudid, Percocet, and Vicodin without a valid prescription from a
12 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of
13 Code section 4060.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(False Entries in Hospital/Patient Records)**

16 24. Respondent is subject to disciplinary action pursuant to Code section 2761,
17 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
18 subdivision (e), in that on or about and between March 18, 2007 and March 22, 2007, while on
19 duty as a registered nurse at SJRMC, Oxnard, California, Respondent falsified, or made grossly
20 incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other records
21 pertaining to the controlled substances Dilaudid, Percocet, and Vicodin, as follows:

22 a. On March 18, 2007, at 2257 hours, Respondent withdrew two tablets of Vicodin from
23 the Pyxis under patient #82588914. There was no physician order for Vicodin for this patient on
24 March 18, 2007. Respondent failed to chart the administration or wastage of the two tablets of
25 Vicodin in the patient's MAR or NNF or otherwise account for the disposition of the medication.

26 b. On March 19, 2007, at 0211 hours, Respondent withdrew two tablets of Dilaudid
27 from the Pyxis under patient #82588914. There was no physician order for Dilaudid for this
28 patient on March 19, 2007. Respondent failed to chart the administration or wastage of the two

1 tablets of Dilaudid in the patient's MAR or NNF or otherwise account for the disposition of the
2 medication.

3 c. On March 19, 2007, at 0455 hours, Respondent withdrew two tablets of Percocet
4 from the Pyxis under patient #82588914. There was no physician order for Percocet for this
5 patient on March 19, 2007. Respondent failed to chart the administration or wastage of the two
6 tablets of Percocet in the patient's MAR or NNF or otherwise account for the disposition of the
7 medication.

8 d. On March 22, 2007, at 2000 hours, Respondent withdrew two tablets of Percocet
9 from the Pyxis under patient #82580457. There was no physician order for Percocet for that
10 patient on March 22, 2007. Respondent failed to chart the administration or wastage of the two
11 tablets of Percocet in the patient's MAR or NNF or otherwise account for the disposition of the
12 medication.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Obtaining Controlled Substances by Fraud/Deceit)**

15 25. Respondent is subject to disciplinary action pursuant to Code section 2761,
16 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
17 subdivision (a), in that she was arrested on or about April 6, 2007 for acts on or about and
18 between January 1, 2006 and February 28, 2006, for unlawfully obtaining and attempting to
19 obtain, procure and attempt to procure controlled substances by fraud, deceit, misrepresentation,
20 subterfuge and by concealment of a material fact in violation of Health and Safety Code section
21 11173(a).

22 26. On or about April 11, 2007, a felony criminal complaint was filed against Respondent
23 entitled *People v. Monique Hochstafl*, Superior Court San Diego County, Case No. CD205724,
24 and charging Respondent with 14 counts of unlawfully obtaining and attempting to obtain,
25 procure and attempt to procure controlled substances by fraud, deceit, misrepresentation, subterfuge
26 and by concealment of a material fact in violation of Health and Safety Code section 11173(a).
27 Respondent was charged with unlawfully obtaining the controlled substances Clonazepam,
28 Hydromorphone, Lorazepam, Morphine SR 15 mg, Morphine SR 30 mg, Morphine SR 60 mg,

1 Norco, Oxycodone IR Tablets, Percocet, Temazepam, Vicodin, Zolphidem, Lortab, Oxycodone
2 IR Solution by fraud on or about and between January 1, 2007 and February 28, 2007 [sic January
3 1, 2006 and February 28, 2006.]

4 27. An arrest warrant was issued on April 17, 2007. The criminal case did not proceed
5 because the arresting officers were unable to locate Respondent.

6 **PRAYER**


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 570965, issued to
10 Monique Hochstafl, also known as Monique Prideaux;

11 2. Ordering Monique Hochstafl, also known as Monique Prideaux, to pay the Board of
12 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Business and Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: April 23, 2010

16 
17 LOUISE R. BAILEY, M.ED., RN
18 Interim Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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